

## Interview Summary

Application No. <b>08/452,658</b>	Applicant(s) <b>Fiers</b>	
Examiner <b>James Martinell</b>	Group Art Unit <b>1804</b>	

All participants (applicant, applicant's representative, PTO personnel):

- (1) James Martinell (3) Mr. Haley  
(2) Ms. Ruskin (4) Mr. Noe

Date of Interview Nov 21, 1996

Type: ☐ Telephonic ☒ Personal (copy is given to ☒ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: All.

Identification of prior art discussed:

Taniguchi et al, Roberts et al

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant argued that expression of IFN- $\beta$ 1 encoding DNA would not have been enabled by Roberts et al technique because Roberts et al expression vector gives widely varying expression depending on the leader sequence of the gene to be expressed and hence there is no predictability in applying the Roberts et al system to other genes (applicants pointed to results with same vector in earlier Roberts et al paper (viz. PNAS 76: 760 (1979))). Exr. will reconsider position in connection with Roberts et al reference in each § 103 rejection. Additionally, Goeddel v. Weissmann and Ex parte Goeddel were discussed in regard to expression of IFN genes in microbial hosts

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

  
**JAMES MARTINELL, PH.D.**  
**SENIOR LEVEL EXAMINER**  
**GROUP 1800**

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.